

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

MARKEL INSURANCE COMPANY,

Plaintiff,

v.

ORIGIN BANCORP, INC.,

Defendant.

Bankr. Ad. No. 21-01001

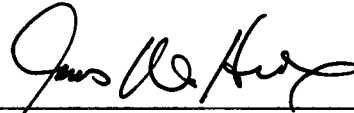
Civ. No. 1:21-CV-151-H

ORDER

Before the Court is the Bankruptcy Court's Report and Recommendation (Civ. Dkt. No. 2-1), which recommends granting Markel's Motion to Withdraw the Reference (Bankr. Dkt. No. 11). United States Bankruptcy Judge Robert Jones recommends that the district court withdraw the reference of the adversary proceeding "for cause shown" under 28 U.S.C. § 157(d). Civ. Dkt. No. 2-1. No objections were filed. Having reviewed the Report, motion, response, and applicable law, the Court adopts the recommendation of the bankruptcy judge, grants the motion, and withdraws the reference from the Bankruptcy Court.¹ The Court will enter a scheduling order for this case by separate order.

¹ As the Report notes, the District Court has diversity jurisdiction over this adversary proceeding. Dkt. No. 2-1 at 3. Though unclear, the Bankruptcy Court likely has "related to" jurisdiction under Fifth Circuit precedent. *See In re Stonebridge Technologies, Inc.*, 430 F.3d 260, 266 (5th Cir. 2005) (upholding related-to jurisdiction in a suit between two third parties when the outcome could give rise to a third-party claim against the debtor). But even if the Bankruptcy Court definitively had "related to" jurisdiction over this action, the Court would still withdraw the reference under the *Holland America* factors. Dkt. No. 2-1 at 6-10; *see Holland Am. Ins. Co. v. Succession of Roy*, 777 F.2d 992, 998-99 (5th Cir. 1985).

So ordered on November 2, 2021.

A handwritten signature in black ink, appearing to read "James W. Hendrix", written over a horizontal line.

JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE